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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185103
Party	Plaintiff Cherokee Nation, a federally recognized Indian Tribe
Correspondence Address	Anthony J. Jorgenson Hall, Estill, Hardwick, Gable, et al 320 South Boston Avenue, Suite 200 Tulsa, OK 74103 UNITED STATES ajorgenson@hallestill.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Anthony J. Jorgenson
Filer's e-mail	ajorgenson@hallestill.com
Signature	/Anthony J. Jorgenson/
Date	12/15/2009
Attachments	DOC050.PDF ( 4 pages )(100845 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally  
recognized Indian tribe,**

**Opposer,**

**v.**

**Opposition No. 91185103**

**TIFFANY ADAMS,**

**Applicant.**

**OPPOSER’S CONSENT MOTION FOR EXTENSION OF  
PRETRIAL DISCLOSURE AND TRIAL PERIODS AND BRIEF IN SUPPORT**

Opposer, Cherokee Nation, pursuant to Trademark Rule 2.121(a), 37 C.F.R. § 2.121(a), and T.B.M.P. 509.01(a), 605.02, and 701, moves the Board to extend the current Pretrial Disclosure deadlines and Trial Periods, for a period of 180 days to permit the Parties additional time to continue settlement discussions, and requests that those deadlines and trial periods be reset as follows:

Plaintiff’s 30-day Trial Period Ends	7/4/2010
Defendant’s Pretrial Disclosures	7/19/2010
Defendant’s 30-day Trial Period Ends	9/5/2010
Plaintiff’s Rebuttal Disclosures	9/20/2010
Plaintiff’s 15-day Rebuttal Period Ends	10/19/2010

In support hereof Opposer shows the Board as follows:

1. On October 6, 2009, the Board entered its Order denying Opposer's motion for summary judgment. The Board's Order further established the following Pretrial Disclosure deadlines and Trial Periods:

Plaintiff's Pretrial Disclosures	11/20/2009 <sup>1</sup>
Plaintiff's 30-day Trial Period Ends	1/4/2010
Defendant's Pretrial Disclosures	1/19/2010
Defendant's 30-day Trial Period Ends	3/5/2010
Plaintiff's Rebuttal Disclosures	3/20/2010
Plaintiff's 15-day Rebuttal Period Ends	4/19/2010

See Order at 10 [Dkt. No. 17].

2. Following the Board's Order, the Parties have worked together in a good faith effort to reach a mutually agreeable settlement. In this regard, counsel for the Parties have participated in numerous telephone conferences to discuss the Parties' respective settlement positions and have exchanged several draft settlement agreements. Based upon these efforts, the Parties are optimistic that they will be able to reach an agreement resolving this matter in its entirety.

3. Although the Parties have made substantial progress towards settlement, they have not yet reached agreement as to all of the necessary and/or desired terms.

4. The Parties believe that their continuing settlement discussions are a worthwhile endeavor. If successful, a settlement will eliminate the need for further time-consuming and expensive litigation and permit the Parties to avoid the time and expense of compiling testimony

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<sup>1</sup> Opposer filed and served its Pretrial Disclosures on November 20, 2009. Because the deadline for Plaintiff's Pretrial Disclosures has passed, and because Opposer has filed its Pretrial Disclosures, Opposer does not request that its deadline be extended.

and other evidentiary materials for trial. A settlement of this case will also spare the Board the time, effort and expense of considering and ruling on evidentiary motions and other motions and briefs that might be filed if the Parties are unable to reach a settlement.

5. The current Pretrial Disclosure deadlines and Trial Periods threaten to impede the progress the Parties have made towards settlement. Specifically, if the Parties are required to comply with the current Pretrial Disclosure deadlines and Trial Periods, they will be forced to devote substantial resources to trial preparation which could better be spent attempting to resolve this proceeding by agreement.

6. This Consent Motion is made for the foregoing reasons and not for purposes of delay or harassment. Additionally, this Consent Motion is timely insofar as it is made prior to the expiration of any of the deadlines sought to be extended.

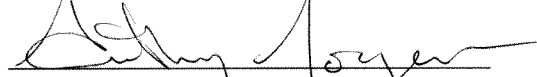
8. The undersigned counsel for Opposer states that he has obtained the consent and agreement of Anna M. Vradenburgh, counsel for Applicant, to the extension requested herein.

### **CONCLUSION**

Wherefore, Opposer respectfully requests that the Board extend the current Pretrial Disclosure deadlines and Trial Periods for a period of 180 days and to reset those dates as follows:

Plaintiff's 30-day Trial Period Ends	7/4/2010
Defendant's Pretrial Disclosures	7/19/2010
Defendant's 30-day Trial Period Ends	9/5/2010
Plaintiff's Rebuttal Disclosures	9/20/2010
Plaintiff's 15-day Rebuttal Period Ends	10/19/2010

Respectfully submitted,



Anthony J. Jorgenson  
*ajorgenson@hallestill.com*

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

320 South Boston Avenue, Suite 200

Tulsa, OK 74103-3706

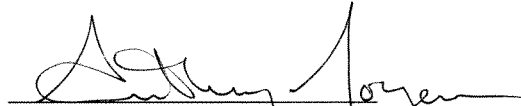
Telephone: (918) 594-0400

Facsimile: (981) 594-0505

**ATTORNEYS FOR OPPOSER  
CHEROKEE NATION**

**CERTIFICATE OF FILING**

I, Anthony J. Jorgenson, hereby certify that a copy of the foregoing Opposer's Consent Motion for Extension of Pretrial Disclosure and Trial Periods and Brief in Support is being filed with the Electronic System for Trademark Trial and Appeals ("ETTSa") of the U.S. Patent and Trademark Office on this 15th day of December, 2009.

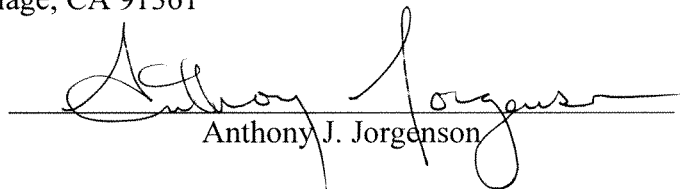


Anthony J. Jorgenson

**CERTIFICATE OF MAILING**

I, the undersigned, do hereby certify that on the 15th day of December, 2009, a true and correct copy of the above and foregoing was mailed via first class mail with proper postage thereon fully paid to:

Anna M. Vradenburgh  
Piccionelli & Sarno  
2801 Townsgate Road, Suite 200  
Westlake Village, CA 91361



Anthony J. Jorgenson